



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING July 23, 2014

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 23<sup>rd</sup> of July, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:04 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Jack Reimers, Dave Sack and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Lauren Scarborough has resigned and Cherri will provide a new person (name) to the Commissioners. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Fred Hilmer, Leo Haggerty, Terry Webb, Alan Lewandowski, Lee Klein, Todd Anderson, Cindy Rasmussen, Peter Berthelsen, Ron Dvorak, Aaron Rubesh, Dave Rubesh, and Lonnie Dickson.

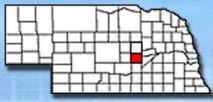
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Dave Sack to approve the minutes of the June 18, 2014 meeting. The motion carried on unanimous voice vote.

At 8:10 p.m., the Public Hearing regarding the update of the Zoning Regulations pertaining to adding radio, TV, wireless communication tower regulations was opened. Cherri Klinginsmith read the Notice of Public Hearing. The new regulations are intended to regulate towers, telecommunication facilities and antennas in the county to conform with the Communications Act of 1934. There was no testimony in favor or opposing the new regulations. Jeff Christensen commented on the antenna regulation. Antennas already in place would be grandfathered in and private antennas on houses would not apply. A motion was made by Jeff Christensen to approve the change in zoning regulations **adding the word commercial** in front of the word antenna to the second paragraph. Ken Kozisek seconded the motion and the motion carried on unanimous voice vote. A Finding of Fact was completed (copy attached)

At 8:20 p.m., the Public Hearing for a Conditional Use Permit Application by Steven Klein and Lee Klein for the application of Soilbuilder II located in the W ½ of Section 32-16-10 and SE ¼ of Section 31-16-10 was opened. Cherri Klinginsmith read the Notice of Public Hearing. This item was discussed at the June 18 meeting. Lee Klein stated they want to add Soilbuilder II to the land to build up the fertility of the soil.

Pete Berthelsen spoke in opposition of the request and asked that the application be denied. He stated that most of the land is enrolled in the Sodbuster program through the USDA Farm Service Agency. Under the sodbuster regulations the land cannot be tilled; therefore the Soilbuilder II would not be able to be incorporated into the ground. He asked that if the CUP is approved, the product be incorporated within 48 hours of delivery. Cindy Rasmussen agreed with his reasons to deny the application. Cindy also asked if the product is applied to the ground, who will monitor it to make sure it's done correctly. Cherri Klinginsmith stated if it is granted there will be conditions on how it will be applied and the Planning and Zoning Office will monitor the project.

Dave Sack stated if Soilbuilder II is classified as a fertilizer, the Board does not need to act on the request according to the regulations. Cherri stated that according to the Nebraska Department of Agriculture it is



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classified as a soil conditioner. After much discussion, Daryl Anderson made a motion to approve the CUP to apply Soilbuilder II on parts of Sections 31 and 32-16-10. Product cannot be stockpiled for more than 90 days. Jack Reimers seconded the motion. A roll call vote was taken. Voting Aye: Anderson and Spilinek. Voting Nay: Christensen, Kozisek, Reimers and Sack. The motion failed. A Finding of Fact was completed (copy attached).

After the motion failed a discussion among the Board followed to push the application back until after harvest. The Board asked for additional clarification (legal interpretation) on the classification of Soilbuilder II. This item will be presented to the Commissioners at the August 12, 2014 meeting.

At 9:18 p.m. a discussion was held regarding a request from Aaron Rubesh to keep an existing house on the property after a new house is built. Aaron stated the family wants to use the existing house as a storage shed; no one will live in it. Dave Sack suggested they put tin on the old house to make it look like a shed. Dave Rubesh stated they would do that. Ron Dvorak also suggested that for this request (and future requests from other landowners) some sort of contract be drawn up that states an existing house will never be used as a residence. This item will be presented to the Commissioners at the August 12, 2014 meeting.

At 9:34 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan provided a handout of the Comprehensive Plan scope of work and time line. Representatives from the Villages of Cotesfield, Cushing, Dannebrog and Farwell were in attendance. The Interlocal Cooperation Agreement has been signed by all the Villages. The agreement between Hanna:Keelan and the Villages for the Comprehensive Plan has been signed by all the Villages except Boelus. The next meeting to discuss the Comprehensive Plan will be September 17, 2014.

At 10:25 p.m. a discussion was held regarding a second house on a quarter of ground. Cherri stated in the NE  $\frac{1}{4}$  of Section 15-13-9, the family farm has one (1) residence in that quarter and would like to have their son put a house in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ . Cherri asked for verification that this was okay as long as they are farming residences. The Board agreed. Only one of the residences can be separated off as a non-farming residence in the future.

At 10:32 p.m., a motion was made by Ken Kozisek and seconded by Jack Reimers to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for August 20, 2014.

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Molly Tebo, Secretary